

Message Text

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62

ORIGIN NEA-12

INFO OCT-01 ISO-00 AID-20 L-03 RSC-01 /037 R

DRAFTED BY NEA/INS:DWBORN :MMK

APPROVED BY NEA:LBLAINGEN

NEA/INS:DKUX

L/NEA: MR. BROWN

AID/CG:AGARDINER

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P 262001Z OCT 73

FM SECSTATE WASHDC

TO AMEMBASSY NEW DELHI PRIORITY

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E.O. 11652: N/A

TAGS: EFIN, IN

SUBJ: RUPEE DISCUSSIONS

1. ART GARDINER, AID/GENERAL COUNSEL, REVIEWED WITH AID AND STATE LAWYERS OCT. 24 DRAFT SETTLEMENT PRESENTED GOI OCT. 19. LAWYERS HERE ACCEPT FULLY NECESSITY AND ADVISABILITY USE GOI DRAFT AS AMENDED BY YOU. HAVE NO DISAGREEMENT ON SUBSTANCE OR FORM OF DRAFT SETTLEMENT, BUT DO HAVE NUMBER OF SIGNIFICANT LEGAL POINTS CONCERNING MECHANICS OF SETTLEMENT, CERTAIN QUESTIONS OF DEFINITION OF TERMS, AND SOME SUGGESTIONS FOR IMPROVED CLARITY. LAWYERS BELIEVE THERE WIDE VARIETY OF DRAFTING CHANGES AVAILABLE TO RESOLVE THESE PROBLEMS.

2. RATHER THAN COMPLEX AND PROBABLY CONFUSING ATTEMPT SPELL OUT IN LENGTHY CABLES EACH DRAFTING SUGGESTING WITH LIST VARIETY ALTERNATE WAYS MEET POINTS CONCERNED, WE BELIEVE BEST PROCEDURE WOULD BE HAVE L/NEA LAWYER, TUPPER BROWN, SPEND FEW DAYS IN DELHI WITH MISSION TO EXPLAIN THESE LEGAL POINTS AND EXPLORE WAYS MEET THOSE WHICH YOU AGREE SHOULD BE INCORPORATED INTO TEXT.

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3. WE THINK YOU WILL AGREE THAT MANY OF THESE POINTS

MERIT CONSIDERATION AND, GIVEN WIDE FLEXIBILITY OF MEANS

TO INCORPORATE THESE SUGGESTIONS INTO DRAFT TEXT, THAT
GOI SHOULD NOT FIND IT DIFFICULT ACCEPT THEM.

4. WE THINK SUCH A VISIT BY BROWN WOULD ALSO SIGNI-
FICANTLY SPEED AND EASE APPROVAL OF INITIALED SETTLEMENT
THROUGH EXECUTIVE BRANCH, FACILITATE SUBSEQUENT PRESEN-
TATION TO CONGRESS, AND REDUCE POSSIBILITIES FOR INDO-US
LEGAL HASSLES ONCE SETTLEMENT IS IMPLEMENTED.

5. SUBJECT YOUR CONCURRENCE, WE PROPOSE HAVE BROWN ARRIVE
DELHI O/A OCT. 31 TO STAY FOR PERHAPS ONE WEEK. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: RUPEE, NEGOTIATIONS, FOREIGN EXCHANGE HOLDINGS, ATTORNEYS, PERSONNEL ASSIGNMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 26 OCT 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE211717
Document Source: CORE
Document Unique ID: 00
Drafter: DWBORN :MMK
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t1973108/aaaaafxc.tel
Line Count: 74
Locator: TEXT ON-LINE
Office: ORIGIN NEA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 19 DEC 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19-Dec-2001 by martinml>; APPROVED <06 MAR 2002 by morefirh>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: RUPEE DISCUSSIONS
TAGS: EFIN, IN, US
To: NEW DELHI
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005